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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

THE SCO GROUP, INC., a Delaware
corporation,

Plaintiff and Counterclaim-
Defendant,

vs.

NOVELL, INC., a Delaware corporation,

Defendant and Counterclaim-
Plaintiff.

**NOVELL, INC.'S MOTION FOR A
MORE DEFINITE STATEMENT OF
SCO'S UNFAIR COMPETITION
CAUSE OF ACTION**

Case No. 2:04CV00139

Judge Dale A. Kimball

Defendant and Counterclaimant Novell, Inc. ("Novell"), by and through its attorneys of record, respectfully moves the Court pursuant to Rule 12(e) of the Federal Rules of Civil Procedure for an order requiring Plaintiff and Counterdefendant The SCO Group, Inc. ("SCO") to submit a more definite statement of its Fifth Claim for Relief against Novell.

SCO's Second Amended Complaint ("Complaint"), includes a Fifth Claim for Relief asserting that Novell engaged in unfair competition. Because SCO's Complaint recites actions spanning the country, it potentially implicates numerous state unfair competition laws, as well as the Federal unfair competition law, each with its own array of elements and defenses. However, SCO's Complaint fails to provide Novell with proper notice of the unfair competition laws Novell is alleged to have violated. Instead, SCO makes the vague and ambiguous assertion that it seeks all remedies "available under applicable unfair-competition law." (*See* Compl. ¶ 126.) Despite requests for clarification from Novell, SCO refuses to take a position on what unfair competition law it is asserting against Novell. Novell therefore asks this Court to require SCO to amend its Complaint to provide Novell with proper notice of the unfair competition laws that Novell has allegedly violated.

The grounds for this motion are more fully set forth in the supporting memorandum filed concurrently herewith.

DATED: April 10, 2006

ANDERSON & KARRENBURG

A handwritten signature in cursive script, appearing to read "Heather M. Sneddon", is written over a horizontal line.

Thomas R. Karrenberg
John P. Mullen
Heather M. Sneddon

- and -

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of April, 2006, I caused a true and correct copy of the foregoing **NOVELL, INC.'S MOTION FOR A MORE DEFINITE STATEMENT OF SCO'S UNFAIR COMPETITION CAUSE OF ACTION** to be served via first class mail, postage prepaid, to the following:

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